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K. Francis Constitution, 1791

AN
AUTHENTIC COPY
OF THE
FRENCH CONSTITUTION,
AS
REVISED AND AMENDED
BY THE
NATIONAL ASSEMBLY,
AND

PRESENTED TO THE KING ON THE THIRD OF
SEPTEMBER, 1791.

TRANSLATED FROM THE ORIGINAL, PUBLISHED BY
ORDER OF THE NATIONAL ASSEMBLY.

TO WHICH ARE ADDED,

Its being presented to the KING; A Copy of the KING's
LETTER to the NATIONAL ASSEMBLY,
announcing his Acceptance; and the KING's taking
the Oath in Presence of the ASSEMBLY.

L O N D O N:

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M.DCC.CXI.



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T H E
FRENCH CONSTITUTION,

PRESENTED TO THE KING, ON SATURDAY SEPT. 3.
1791.

N. B. Alterations and Additions are marked with turned Commas.

DECLARATION OF THE RIGHTS OF A MAN AND A
CITIZEN.

THE Representatives of the people of France formed into a National Assembly, considering that ignorance, forgetfulness, or contempt of the Rights of Men, are the sole causes of public grievances, and of the corruption of Government, have resolved to exhibit, in a solemn Declaration, the natural, unalienable, and sacred Rights of Man; in order that this Declaration, ever present to all the Members of the SOCIAL BODY, may incessantly remind them of their rights and of their duties; to the end that the acts of the legislative power, and those of the executive power, being every moment compared with the end of all political

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litical institutions, may acquire the more respect; in order also that the remonstrances of the citizens, founded henceforward on simple and incontestible principles, may ever tend to maintain the Constitution, and to promote the general good.

For this reason the National Assembly recognizes and declares, in the presence, and under the auspices of the Supreme Being, the following Rights of a Man and a Citizen :

I. All men are born, and remain, free and equal in rights: social distinctions cannot be founded but on common utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man: these rights are liberty, property, security, and resistance against oppression.

III. The principle of *sovereignty* resides essentially in the nation: *no body of men, no individual*, can exercise an authority that does not emanate expressly from that source.

IV. *Liberty* consists in the power of doing every thing except that which is hurtful to another: hence, the exercise of the natural rights of every man has no other bounds than those that are necessary to ensure to the other members of society the

the enjoyment of the same rights: those bounds can be determined by the law only.

V. The law has a right to forbid those actions alone, that are hurtful to society. Whatever is not forbidden by the law, cannot be hindered; and no person can be constrained to do that which the law ordaineth not.

VI. The law is the expression of the general will: all the citizens have a right to concur personally, or by their representatives, to the formation of the law: it ought to be the same for all, whether it protect, or whether it punish. All citizens being equal in the eye of the law, are equally admissible to dignities, places, and public offices, according to their capacity, and without any other distinction but that of their virtue, and their talents.

VII. No man can be accused, arrested, or detained, except in cases determined by the law, and according to the forms which the law hath prescribed. Those who solicit, dispatch, execute, or cause to be executed, arbitrary orders, ought to be punished; but every citizen that is summoned or seized in virtue of the law, ought to obey instantly—he becomes culpable by resistance.

VIII. The law ought to establish such punishments

ments only as are strictly and evidently necessary, and no person can be punished, but in virtue of a law established and promulgated prior to the offence, and legally applied.

IX. Every man being presumed innocent till such time as he has been declared guilty, if it shall be deemed absolutely necessary to arrest a man, every kind of rigour employed, not necessary to secure his person, ought to be severely repressed by the law.

X. No person shall be molested for his opinions, even such as are religious, provided that the manifestation of those opinions does not disturb the public order established by the law.

XI. The free communication of thought, and of opinion, is one of the most precious rights of man. Every citizen, therefore, may freely speak, write, and publish his sentiments; subject, however, to answer for the abuse of that liberty, in cases determined by the law.

XII. The guarantee of the Rights of Man and Citizens involves a necessity of *public force*: this force is then instituted for the advantage of all, and not for the particular utility of those to whom it is confided.

XIII. For

XIII. For the maintenance of the public force, and for the expences of administration, a common contribution is indispensably necessary : this contribution should be equally divided amongst all the citizens, in proportion to their abilities.

XIV. Every citizen has a right, by himself, or by his representatives, to decide concerning the necessity of the public contribution ; to consent to it freely, to look after the employment of it ; to determine the quantity, the distribution, the collection, and duration.

XV. The Society has a right to demand from every public agent, an account of his administration.

XVI. Every society, in which the guarantee of rights is not assured, nor the separation of powers determined, has *no Constitution*.

XVII. Property being a right inviolable and sacred, no person can be deprived of it, except when the public necessity, legally ascertained, shall evidently require it, and on condition of a just and previous indemnification.

The National Assembly, meaning to establish the French Constitution on the principles recognized and declared above, abolishes irrevocably, the institutions that injure liberty and equality of rights.

There is no longer Nobility, or Peerage, or hereditary Distinctions, or Distinction of Orders, or Feudal System, or Patrimonial Jurisdictions, or any of the Titles, Denominations, and Prerogatives derived from them, or any orders of Chivalry, Corporations or Decorations, for which proofs of nobility were required; “or which supposed distinctions of birth,” or any other superiority but that of public officers in the exercise of their functions.

No public office is any longer saleable or hereditary.

There is no longer, for any part of the nation, or for any individual, any privilege or exception to the common right of all Frenchmen.

There is no longer Wardenships, or Corporations of Professions, Arts and Crafts.

The law no longer recognizes religious vows, or any other engagements contrary to natural rights, or to the Constitution.

PART I.

FUNDAMENTAL DISPOSITIONS GUARANTEED BY
THE CONSTITUTION.

The Constitution guarantees, as Natural and Civil Rights,

1. That all citizens are admissible to places and employments without any distinction, but that of ability and virtue.

2. That all contributions shall be divided equally among all the citizens, in proportion to their means.

3. That the same crimes shall be subject to the same punishments, without any distinction of persons.

The Constitution in like manner guarantees, as natural and civil rights,

Liberty to all men of going, staying, or departing, without being arrested, or detained, but according to the forms prescribed by the Constitution;

Liberty to all men of speaking, writing, printing, and "publishing their thoughts, without "having their writings subjected to any examination or inspection before publication;" and of
exer-

exercising the religious worship to which they are attached ;

Liberty to all citizens of assembling peaceably, and without arms, complying with the laws of police ;

Liberty of addressing to all constitutional authorities petitions individually signed ;

“ The Legislative Power cannot make laws that infringe or impede the exercise of the natural and civil rights recorded in this part, and guaranteed by the Constitution ;” but as liberty consists only in the power of doing whatever neither injures the rights of another, nor the public safety, the law may establish penalties against acts, which, attacking either the public safety, or the rights of others, would be injurious to society.

The Constitution guarantees the inviolability of property, or a just and previous indemnity for that of which public necessity, legally proved, shall require the sacrifice.

The effects destined to the expences of worship, and services of public utility, belong to the Nation, and are at all times at its disposal.

“ The Nation preserves and assures the alienations which have been, and which shall be made, according to the forms established by the law.

“ The citizens have a right to elect or chuse the ministers of their worship.”

A gene-

A general establishment of *public succours* shall be created and organized, “for bringing up deserted children,” relieving the infirm poor, “and providing work for the poor not infirm, “who cannot procure it for themselves.

A Public Instruction shall be created and organized, common to all citizens, gratuitous with regard to those parts of tuition indispensable for all men, and of which the establishment shall be gradually distributed in a proportion combined with the division of the kingdom.

“National festivals shall be established to preserve the memory of the French Revolution, “maintain fraternity among the citizens, and “attach them to their country and the laws.”

“A Code of Civil Law shall be framed for the “common use of the whole kingdom.”

P A R T II.

OF THE DIVISION OF THE KINGDOM, AND THE STATE OF CITIZENS.

I. “The kingdom is one and indivisible;” its territory, for Administration, is distributed into eighty-three Departments, each Department into Districts, each District into Cantons.

II. Those are French Citizens,
Who are born in France, of a French father;
C Who

Who having been born in France of a foreign father, have fixed their residence in the kingdom ;

Who having been born in a foreign country, of a French father, have returned to settle in France, have taken the Civic Oath ;

In fine, who having been born in a foreign country, being descended in whatever degree from a Frenchman or Frenchwoman, who have left their country from religious motives, come to reside in France, and take the Civic Oath.

III. Those who being born out of the kingdom, of foreign parents, reside in France, become French citizens after five years of continued residence in the kingdom; if, besides, they have acquired real property, or married a Frenchwoman, or formed "an agricultural or" commercial establishment, and if they have taken the Civic Oath.

IV. The Legislative Power may, for important considerations, naturalize a foreigner, upon no other condition, than that of residing in France, and taking the Civic Oath.

V. The Civic Oath is :—*I swear to be faithful to the Nation, the Law, and the King ; and to maintain, with all my power, the Constitution of the Kingdom, decreed by the Constituting National Assembly during the years 1789, 1790, and 1791.*

VI. The

VI. The right of French Citizenship is lost,

1st, By naturalization in a foreign country ;

2dly, By being condemned to penalties which involve the Civic degradation, provided the person condemned be not reinstated ;

3dly, By a sentence of contumacy, provided the sentence be not annulled ;

4thly, By initiation into any foreign Order or Body which supposes either proofs of Nobility " or distinctions of Birth, or requires religious " vows."

VII. " The Law considers marriage only as a " Civil Contract. The Legislative Power will " establish for all inhabitants, without distinction, " the mode by which births, marriages, and " deaths shall be proved ; and it will point out " the public officers who shall receive and preserve " the authentications of them."

VIII. French citizens regarded in the light of those local relations which arise out of their association in cities, and in certain divisions of territory in the country, form the *Communities*.

The Legislative Power may fix the extent of boundary of each Community.

IX. The Citizens who compose each Community, have the right of choosing, from time to time, according to the forms prescribed by the

law, those among them who, under the name of *Municipal Officers*, are charged with the management of the particular affairs of the Community.

To the Municipal Officers may be delegated certain functions relative to the general interest of the state.

X. The rules which the Municipal Officers shall be bound to follow in the exercise, both of the Municipal functions, and of those which shall be delegated to them for the general interest, shall be fixed by the laws.

P A R T. III.

OF THE PUBLIC POWERS.

I. The Sovereignty is one, indivisible, "inalienable, and imprescriptible," and it belongs to the Nation: no Section of the People, or individual, can arrogate the exercise of it.

II. The Nation, from which alone flow all powers, cannot exercise them but by delegation.

The French Constitution is representative: the Representatives are the Legislative Body and the King.

III. The Legislative Power is delegated to a National Assembly, composed of temporary Representatives,

presentatives, freely chosen by the people, to be exercised by this Assembly, with the sanction of the King, in manner afterwards determined.

IV. The Government is monarchical: the Executive Power is delegated to the King, to be exercised under his authority, by Ministers and other responsible agents, in manner afterwards determined.

V. The Judicial Power is delegated to Judges chosen from time to time by the people.

CHAPTER I.

OF THE LEGISLATIVE NATIONAL ASSEMBLY.

I. The National Assembly, forming the Legislative Body, is permanent, and consists of one chamber only.

II. It shall be formed by new elections, every two years.

Each period of two years shall form one Legislature.

III. "The dispositions of the preceding article shall not take place, with respect to the next Legislative Body, whose powers shall cease on the last day of April 1793."

IV. The

IV. The renewal of the Legislative Body shall be matter of full right.

V. The Legislative Body cannot be dissolved by the King.

SECTION I.

NUMBER OF REPRESENTATIVES.—BASIS OF REPRESENTATION.

I. The number of Representatives to the Legislative Body, shall be seven hundred and forty-five, on account of the eighty-three Departments of which the kingdom is composed; and independent of those that may be granted to the Colonies.

II. The Representatives shall be distributed among the Eighty-three Departments, according to the three proportions of Land, of Population, and the Contribution direct.

III. Of the seven hundred and forty-five Representatives two hundred and forty-seven are attached to the Land.—Of these each Department shall nominate three, except the Department of Paris, which shall nominate only one.

IV. Two hundred and forty-nine Representatives are attributed to the population. The total mass of the active population of the kingdom is divided into two hundred and forty-nine parts,
and

and each department nominates as many of the Deputies as it contains parts of the population.

Two hundred and forty-nine Representatives are attached to the Contribution direct. The sum total of the direct contribution of the kingdom, is likewise divided into two hundred and forty-nine parts; and each Department nominates as many Deputies as it pays parts of the contribution.

SECTION II.

PRIMARY ASSEMBLIES—NOMINATION OF ELECTORS.

I. In order to form a Legislative National Assembly, the Active Citizens shall convene, in Primary Assemblies, every two years, in the cities and cantons.

“ The Primary Assemblies shall meet of full

“ right on the first Sunday of March, if not

“ convoked sooner by the public officers ap-

“ pointed to do so by the law.”

II. To be an Active Citizen, it is necessary,

To be a Frenchman, or to have become a Frenchman ;

To have attained twenty-five years complete ;

To have resided in the City or the Canton from the time determined by the law ;

To pay in any part of the kingdom a direct contribution, at least equal to the value of three days labour, and to produce the acquittance ;

Not

Not to be in a menial capacity, namely, that of a servant receiving wages ;

To be inscribed in the Municipality of the place of his residence in the list of the National Guards ;

To have taken the Civic Oath.

III. Every six years the Legislative Body shall fix the *minimum* and the *maximum* of the value of a day's labour ; and the Administrators of the Departments shall determine the rate for each District.

IV. None shall exercise the rights of an Active Citizen in more than one place, or employ another as his substitute.

V. Those shall be excluded from the rights of an Active Citizen who are in a state of accusation.— Those who, after having been in a state of failure, or bankruptcy, proved by authentic documents, shall not produce a general discharge from their Creditors.

VI. The Primary Assemblies shall name Electors in the proportion of the number of Active Citizens residing in the City or Canton ;

There shall be named one Elector to the Assembly, or not, according as there shall happen to be present a hundred Active Citizens ;

There shall be named two, when there shall be present

present from one hundred fifty-one to two hundred and fifty, and so on in this proportion.

No man can be nominated an Elector, if, to the qualifications of an Active Citizen, he do not join the following, *viz.* “ In towns of above six thousand
“ souls, that of having property, or the usufruct of
“ property, valued on the Rolls of Contribution at a
“ rent equal to the local value of two hundred days
“ labour, or of being the renter of a habitation va-
“ lued on the same Rolls, at a rent equal to the
“ value of one hundred and fifty days labour;

“ In towns of less than six thousand souls, that of
“ having property, or the usufruct of property, va-
“ lued on the Rolls of Contribution, at a rent equal
“ to the value of a hundred and fifty days labour;
“ or, being the renter of a habitation, valued on the
“ same Rolls, at a rent equal to the value of a hun-
“ dred days labour;

“ And in the country, that of having property, or
“ the usufruct of property, valued on the Rolls of
“ Contribution, at a rent equal to the local value of a
“ hundred and fifty days labour, or of being *fermier*
“ or *metayer* of property, valued on the same Rolls,
“ at a rent equal to the value of four hundred days
“ labour. With respect to those, who may rent and
“ have the usufruct of one part, and be renters
“ *fermiers* or *metayers* of another, their means and
“ their contribution shall be estimated in the gross,
“ to the proportion necessary for establishing their
“ eligibility.”

SECTION III.

ELECTORAL ASSEMBLIES—NOMINATION OF REPRESENTATIVES.

I. The Electors named in each Department shall convene, in order to chuse the number of Representatives, whose nomination shall belong to their Department, and a number of Substitutes equal to the third of the Representatives.

“ The Assemblies shall be held of full right, on
“ the last Sunday of March, if they have not been
“ before convoked by the Public Officers appointed to do so by the law.”

II. The Representatives and Substitutes shall be chosen by an absolute majority of votes ;—“ and
“ cannot be chosen but from among the Active
“ Citizens of the Department.”

III. All Active Citizens, whatever be their state, profession, or contribution, may be chosen Representatives of the Nation.

IV. Excepting, nevertheless, the Ministers and other Agents of the Executive Power, holding their places at pleasure ; the Commissioners of the National Treasury ; the Collectors and Receivers of the Direct Contributions ; those who superintend
the

the collection and management of the Indirect Contributions, " and National Domains," and those who, under whatever denomination, hold any employment in the Civil or Military Household of the King.

" Excepting also the Administrators, Sub-Administrators, Municipal Officers, and Commanders of the National Guards."

V. The exercise of the Judicial functions, shall be incompatible with the functions of a Representative of the Nation during the whole duration of the Legislature.

" The Judges shall be replaced by their Substitutes, and the King shall provide by brevets of Commission for replacing his Commissioners in the Courts of Justice."

VI. The Members of the Legislative Body may be re-elected to a subsequent Legislature, but not till after an interval of one Legislature.

VI. The Representatives named in the Departments, shall not be Representatives of a particular Department, but of the whole Nation; and no instructions can be given them.

SECTION IV.

HOLDING AND REGULATION OF THE PRIMARY AND ELECTORAL ASSEMBLIES.

I. The functions of the Primary and Electoral Assemblies, are limited merely to the right of electing; as soon as the election is over, they shall separate, and shall not meet again till they shall have been summoned, "unless in case of the first article of the second section, and the first article of the third section above."

II. No Active Citizen can enter or vote in an Assembly, if he is armed,

III. No armed force can be introduced in the Meeting, except at the express desire of the Assembly, unless in the case of actual violence, when the order of the President shall be sufficient to call in the aid of the public force.

IV. Every two years there shall be drawn up in each district, lists, by Cantons, of the Active Citizens, and the list of each Canton shall be published, and posted up two months before the meeting of the Primary Assembly.

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The Protests which may be made either against the right of Citizens, named in the list, or on the part of those who shall affirm that they are unjustly omitted, shall be carried to the Tribunals, in order to be there decided upon summarily.

The list shall serve to regulate the admission of Citizens in the next Primary Assembly, in every point that shall not have been rectified by a sentence pronounced before the sitting of the Assembly.

V. The Electoral Assemblies have the right of verifying the quality and powers of those who shall present themselves, and their decisions shall be provisionally executed, with a reserve for the sentence of the Legislative Body, at the time of the verification of the powers of the Deputies.

VI. In no case, and under no pretence whatever, shall the King, or any Agents named by him, interfere in questions relative to the regularity of the Convocation, the sitting of the Assemblies, the form of Elections, or the political rights of Citizens; "without prejudice, however, to the functions of the King's Commissioners in cases determined by the Law, in which questions relative to the Civil Rights of Citizens are to be brought before the Tribunals."

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SECTION V.

MEETING OF THE REPRESENTATIVES IN THE LEGISLATIVE NATIONAL ASSEMBLY.

I. The Representatives shall meet on the first Monday of May, in the place of the Sitzings of the last Legislature.

II. They shall form themselves provisionally into an Assembly, under the presidency of the eldest of their number, in order to verify the powers of the Representatives present.

III. As soon as these shall be verified, to the number of three hundred and seventy-three Members, they shall constitute themselves under the title of Legislative National Assembly; they shall name a President, Vice-President, and Secretaries, and enter upon the exercise of their functions.

IV. During the whole of the month of May, if the number of Representatives present fall short of three hundred and seventy-three, the Assembly cannot perform any Legislative Act.

They may issue an Arret, enjoining absent Members to attend their functions, within fifteen days
at

at farthest, under a penalty of 3000 livres if they do not produce an excuse which shall be deemed lawful by the Assembly.

V. On the last day of May, whatever be the number of Members present, they shall constitute themselves a Legislative National Assembly.

VI. The Representatives shall pronounce in a body, in the name of the French people, the Oath, "to live FREE or DIE!"

They shall then individually take the Oath *to maintain, with all their power, the Constitution of the Kingdom, decreed by the Constituting National Assembly, during the years, 1789, 1790, and 1791, to propose or assent to nothing in the course of the Legislature, which may at all tend to infringe it, and to be in every respect faithful to the Nation, the Law, and the King.*

VII. The Representatives of the Nation are inviolable. They cannot be examined, criminated, or judged, at any time, with respect to what they may have said, written, or performed, in the exercise of their functions of Representatives.

VIII. They may for a criminal act, be seized as guilty of a flagrant crime, or in virtue of an order

der of arrest, but notice shall be given of it, without delay, to the Legislative Body, and the prosecution cannot be continued, till after the Legislative Body shall have decided that there is ground of Accusation.

CHAPTER II.

OF THE ROYALTY, THE REGENCY, AND THE
MINISTERS.

SECTION I.

OF THE ROYALTY AND THE KING.

I. The Royalty is indivisible, and delegated hereditarily to the race on the Throne from male to male, by order of primogeniture, to the perpetual exclusion of women and their descendants.

Nothing is prejudged on the effect of renunciations in the race on the Throne.

II. The person of the King is inviolable and sacred; his only title is King of the French.

III. There

III. There is no authority in France superior to that of the Law. The King reigns only by it ; and it is only in the name of the Law that he can require obedience.

IV. The King, on his accession to the Throne, or at the period of his majority, shall take to the Nation, in the presence of the Legislative Body, the oath—" *To be faithful to the Nation and the Law ;*" to employ all the power delegated to him, to maintain the Constitution decreed by the Constituting National Assembly, in the years 1789, 1790, and 1791, and to cause the laws to be executed.

If the Legislative Body be not assembled, the King shall cause a Proclamation to be issued, in which shall be expressed this Oath, and a promise to repeat it, as soon as the Legislative Body shall be met.

V. If a month after the invitation of the Legislative Body, the King has not taken the oath ; or if, after taking it, he retracts, he shall be held to have abdicated the Royalty.

VI. If the King put himself at the head of an army, and direct the forces of it against the Nation, or if he do not oppose, by a formal act, any such

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enterprize undertaken in his name, he shall be held to have abdicated.

VII. If the King having gone out of the kingdom, do not return to it, after an invitation by the Legislative Body, within the space which shall be fixed by the proclamation, "and which cannot be less than two months," he shall be held to have abdicated the Royalty.

"This space of time shall be counted from the day in which the Proclamation shall have been published, in the place of the sittings of the Legislative Body. The Ministers shall be charged, under their responsibility, to do all the Acts of the Executive Power, the exercise of which shall be suspended in the hands of the absent King."

VIII. After Abdication, express or legal, the King shall be in the class of Citizens, and may be accused and tried like them, for acts posterior to his Abdication.

IX. The particular effects which the King possesses at his accession to the Throne, are irrevocably united to the domain of the Nation; he has the disposition of those which he acquires on his own private

private account; if he has not disposed of them, they are in like manner united, at the end of his reign.

X. The Nation makes provision for the splendour of the Throne by a Civil List, of which the Legislative Body shall fix the sum at the commencement of each reign, for the whole duration of that reign.

XI. The King shall appoint an Administrator of the Civil List, who shall institute civil suits in the name of the King, and against whom shall all prosecutions for debts, due by the Civil List, be brought, and judgments given.

“ Judgments obtained by the creditors of the
“ Civil List, shall be executable against the Ad-
“ ministrator personally, and his property.”

XII. “ The King, independent of the Guard of
“ Honour provided for him by the Citizens, Na-
“ tional Guards of the place of his residence, shall
“ have a Guard paid from the Funds of the Civil
“ List.—It cannot exceed the number of twelve
“ hundred infantry, and six hundred cavalry; the
“ ranks and the rules of promotion in it shall be
“ the same as in the Troops of the Line.

“ Those who shall compose the Guard of the
 “ King shall go through all the ranks exclusively
 “ in their own corps, and cannot obtain any rank
 “ in the Troops of the Line: the King cannot
 “ chuse the men of his Guard but from among
 “ those who are actually in service in the Troops
 “ of the Line, or from among the Citizens who
 “ have served a year in the National Guard, pro-
 “ vided they be resident in the kingdom, and
 “ have previously taken the Civic Oath. The
 “ Guard of the King cannot be commanded or
 “ called out on any other public service.”

SECTION II.

OF THE REGENCY.

I. The King is a Minor till the age of eighteen complete; and during his minority there shall be a Regent of the kingdom.

II. The Regency belongs to the relation of the King, next in degree according to the order of succession to the Throne, who has attained the age of twenty-five; provided he be a Frenchman, resident in the kingdom, and not Presumptive Heir to any other Crown, and have previously taken the Civic Oath.

Women

Women are excluded from the Regency.

III. " If a Minor King have no relations unit-
" ing the qualities above expressed, the Regent of
" the kingdom shall be chosen in the manner pre-
" scribed in the following Articles."

IV. " The Legislative Body cannot elect the
" Regent."

V. " The Electors of each District shall meet
" in the Chief Town of the District, after a Pro-
" clamation which shall be made in the first week
" of the new Reign by the Legislative Body, if it is
" sitting; and if it is not sitting, the Minister of
" Justice shall be bound to make this Proclama-
" tion in the same week."

VI. " The Electors shall nominate in each
" District, by individual scrutiny, and the abso-
" lute plurality of suffrages, a Citizen eligible
" and resident in the District, to whom they shall
" give, by the Minute of Election, a special
" mandate, limited to the sole function of elect-
" ing a Citizen, whom he shall judge in his
" soul and in his conscience the most worthy to be
" Regent of the kingdom."

VII. " The Mandatary Citizens nominated in
" the Districts shall be bound to assemble in the
" city

“ city where the Legislative Body shall hold it’s
 “ sitting, on the fortieth day at the latest from
 “ the Minor King’s accession to the Throne, and
 “ they shall there form an Electoral Assembly,
 “ which shall proceed to the nomination of the
 “ Regent.”

VIII. “ The Election of the Regent shall be
 “ made by individual scrutiny, and the absolute
 “ plurality of suffrages.”

IX. “ The Electoral Assembly can attend to
 “ no business but that of the Election, and shall
 “ separate as soon as it is terminated. Every other
 “ Act which it shall attempt to perform is de-
 “ clared unconstitutional and null.”

X. “ The Electoral Assembly shall present by
 “ its President the Minute of Election to the Le-
 “ gislative Body, who, after verifying the regula-
 “ rity of the Election, shall cause it to be pub-
 “ lished throughout the kingdom by a Procla-
 “ mation.”

XI. The Regent exercises, till the King’s ma-
 jority, all the functions of Royalty, and is not
 personally responsible for the acts of his Admini-
 stration.

XII. The Regent cannot begin the exercise of
 his

his functions till after taking to the Nation, in the presence of the Legislative Body, an oath, "*To be faithful to the Nation, the Law, and the King;*" to employ all the power delegated to the King, and of which the exercise is confided to him during the minority of the King, to maintain the Constitution decreed by the Constituting National Assembly in the years 1789, 1790, and 1791, and to cause the Laws to be executed.

If the Legislative Body is not assembled, the Regent shall cause a Proclamation to be issued, in which shall be expressed this oath, and a promise to repeat it as soon as the Legislative Body shall be assembled.

XIII. As long as the Regent is not entered on the exercise of his functions, the sanction of laws remains suspended; the Ministers continue to perform, under their responsibility, all the acts of the Executive Power.

XIV. As soon as the Regent shall take the oath, the Legislative Body shall fix his allowance, which shall not be altered during his Regency.

XV. "If on account of the minority of the relation called to the Regency, it shall be given by election, or devolved to a relation more distant, the Regent, who shall have entered on the exercise of his functions, shall continue them till the King's majority."

XVI. The

XVI. The Regency of the kingdom confers no right over the person of the Minor King.

XVII. The care of the Minor King shall be confined to his Mother; and if he has no Mother, or if she be married again, at the time of her Son's accession to the Throne, or if she marry again during the minority, the care of him shall be delegated by the Legislative Body.

For the care of the Minor King, neither the Regent, nor his descendants, nor a woman can be chosen.

XVIII. In case of the King's mental incapacity notoriously admitted, legally proved, and declared by the Legislative Body, after three successive deliberations held monthly, there shall be a Regency, as long as such incapacity continues.

SECTION III.

OF THE ROYAL FAMILY.

I. The Presumptive Heir shall bear the name of Prince Royal.

He cannot go out of the kingdom, without a decree of the Legislative Body, and the King's consent;

If he is gone out of it, and "after attaining
"the age of eighteen," he do not return to the
kingdom,

kingdom, on being required to do so by a Proclamation of the Legislative Body, he is held to have abdicated the right of Succession to the Throne.

II. If the Presumptive Heir is a minor, the relation, of full age, and next in order to the Regency, is bound to reside within the kingdom:

In case of his going out of it, and not returning on the requisition of the Legislative Body, he shall be held to have abdicated his right to the Regency.

III. The Mother of the Minor King, having the care of him, or the Guardian Elect, if they go out of the kingdom, forfeit their charge:

If the Mother of the Presumptive Heir, a minor, go out of the kingdom, she cannot, even after her return, have the care of her Minor Son become King, but by a Decree of the Legislative Body.

IV. A law shall be made to regulate the education of the Minor King, and that of the Minor Heir Presumptive.

V. " The Members of the family of the King, " called to the eventual succession to the throne, " enjoy the rights of Active Citizens, but they

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" are

“are eligible to no places, employments, or
“functions which are in the nomination of the
“People.”

“Excepting the Departments of the Ministry, they may obtain the places which are in
“the nomination of the King; nevertheless they
“cannot be Commanders in Chief of any army
“by Land or Sea, or execute the functions of
“Ambassadors, but with the consent of the Legislative Body, granted on the proposition of
“the King.”

VI. “The Members of the King’s Family
“called to the eventual succession of the throne,
“shall add the denomination of French Prince to
“the name which shall be given them in the Civil
“Act proving their birth, and this name can
“neither be patronymic, nor formed of any of
“the qualifications abolished by the present Constitution.”

VII. “The denomination of Prince, cannot
“be given to any individual, and shall not carry
“with it any privilege or exception to the common right of all French Citizens.”

IX. “The Acts by which shall be legally ascertained the births, marriages and deaths of
“French

“ French Princes, shall be presented to the Legislative Body, which shall order them to be deposited in its Archives.”

VIII. No *real* apanage (in land) shall be granted to the Members of the Royal Family.

The Younger Sons of the King shall receive, at the age of twenty-five, or on their marriage, an annuity, the amount of which shall be fixed by the Legislative Body, and which shall terminate with the extinction of their male heirs.

SECTION IV.

OF MINISTERS.

I. To the King alone belongs the choice and dismissal of Ministers.

II. “ The Members of the present National Assembly, and of the subsequent Legislatures; the Members of the Tribunal of Appeal, and those who shall be of the High Jury, cannot be advanced to the Ministry, cannot receive any place, gift, pension, allowance, or commission of the Executive Power, or its Agents, during the continuance of their functions, or during two years after ceasing to exercise them; the same shall be observed respecting those, who shall only be inscribed on the List of High Jurors, as long as their inscription shall continue.”

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III. “ No

III. " No man can enter upon the exercise of any
 " employment, either in the offices of the Ministry,
 " or in those of the Administrations of Public Re-
 " nues, and in general of any employment in the
 " nomination of the Executive Power, without
 " taking the Civic Oath, or proving that he has
 " taken it."

IV. No order of the King can be executed, if it
 be not signed by him, and countersigned by the
 Minister, or Comptroller of the Department.

V. The Ministers are responsible for all the
 offences committed by them against the national
 safety and the Constitution ;

For every attack on Individual Property and
 liberty ;

For every abuse of the Money allotted for the
 Expences of their Department.

VI. In no case can the written or verbal Order
 of a King shelter a Minister from responsibility.

VII. The Ministers are bound to present every
 year to the Legislative Body, at the opening of the
 Session, the amount of the Expences of their Depart-
 ment; to give an account of the employment of the
 sums destined for that purpose, and to point out the
 abuses which may have crept into the different parts
 of the Government.

No

VIII. No Minister, in or out of place, can be criminally prosecuted for any transaction of his Administration, without a Decree of the Legislative Body.

CHAPTER III.

OF THE EXERCISE OF THE LEGISLATIVE POWER.

SECTION I.

POWERS AND FUNCTIONS OF THE LEGISLATIVE
NATIONAL ASSEMBLY.

I. The Constitution delegates exclusively to the Legislative Body, the powers and functions following:

1. To propose and decree laws—The King can only invite the Legislative Body to take an object into consideration;
2. To fix the Public Expences;
3. To establish the Public Contributions, to determine the nature of them, the amount of each sort, the duration, and the mode of collection;
4. To make the distribution of them among the several Departments of the kingdom, to watch over the application of all the public Revenues, and to demand an account of them:

5. To

5. To decree the creation or suppression of public offices ;

6. To determine the quality, the impression, and the denomination of money ;

7. To permit or prohibit the introduction of Foreign Troops into the French territories, and of Foreign Naval Forces into the ports of the kingdom ;

8. To vote annually, on the King's proposition, the number of men and ships of which the sea and land forces shall be composed ; the pay and the number of each rank ; the rules of admission and promotion ; the forms of enrollment and discharge ; the formation of naval equipments ; the admission of foreign troops, or naval forces into the French service, and the pensions to troops on being disbanded ;

9. To regulate the administration and the alienation of the National Domains ;

10. To prosecute before the High National Court, the Ministers and principal Agents of the Executive Power, on their responsibility ;

To accuse and prosecute, before the same Court, those who shall be charged with any offence or conspiracy against the general safety of the State or the Constitution ;

11. To establish the rules according to which marks of honour or decorations, merely personal, shall be granted to those who have done service to the State.

12. The

12. The Legislative Body has the sole right of decreeing posthumous honours to the memory of great men.

II. War cannot be resolved on but by a Decree of the National Assembly, passed on the formal and necessary proposition of the King, and sanctioned by him.

In case of hostilities, imminent or commenced, of an Ally to be supported, or a right to be maintained by force of arms, the King shall give notification without delay to the Legislative Body, with an explanation of the reasons.

If the Legislative Body be not sitting, the King shall immediately convoke it.

If the Legislative Body decide that war ought not to be made, the King shall instantly take measures to prevent, or put a stop to hostilities, the Ministers being responsible for all delays.

If the Legislative Body find that the hostilities commenced are a culpable aggression on the part of Ministers, or any other Agent of the Executive Power, the author of the aggression shall be prosecuted criminally.

During the whole course of war, the Legislative Body may require the King to negotiate Peace; and the King is bound to yield to this requisition.

On the immediate conclusion of war, the Legislative Body shall fix the time within which the troops,

troops, levied above the Peace Establishment, shall be discharged, and the army reduced to its ordinary establishment.

III. It belongs to the Legislative Body to ratify Treaties of Peace, Alliance, and Commerce; and no treaty shall have effect, but by this ratification.

IV. The Legislative Body has the right of determining the place of its sittings; of continuing them as long as it shall think necessary, and of adjourning: at the commencement of each reign, if it is not sitting, it shall be bound to meet without delay :

It has the right of police in the place of its sitting, and to such extent around it as shall be determined :

It has the right of discipline over its Members; but it can pronounce no heavier punishment than censure, arrest for eight days, or imprisonment for three :

It has the right of disposing, for its security, and the maintaining of the respect that is due to it, of the forces which shall be established by its consent, in the city where it shall hold its sittings.

V. The Executive Power cannot march, or quarter, or station, any troops of the line, within
thirty

thirty thousand toises of the Legislative Body, except on the requisition, or by the authority of that Body.

SECTION II.

HOLDING OF THE SITTINGS AND FORM OF DELIBERATING.

I. The deliberations of the Legislative Body shall be public, and the minutes of the sittings shall be printed.

II. The Legislative Body may, however, on any occasion, form itself into a General Committee :

Fifty Members shall have a right to demand it :

During the continuance of the General Committee, the Assistants shall retire, the Chair of the President shall be vacant ; order shall be maintained by the Vice-president :

A Decree cannot be passed, except in a public sitting.

III. No Legislative Act can be debated and decreed, but in the following form :

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IV. The

IV. The plan of a Decree shall be read thrice, at three intervals, the shortest of which cannot be less than eight days ;

V. The discussion shall be open after every reading ; nevertheless, after the first or second reading, the Legislative Body may declare that there is reason for adjournment, or that there is no room for deliberation—in this last case the plan of the Decree may be introduced again in the same Session.

VI. After the third reading, the President shall be bound to propose to their deliberation ; and the Legislative Body shall decide, whether they are qualified to pass a definitive Decree, or would rather chuse to postpone their decision to another time, to collect more ample information on the subject.

VII. The Legislative Body cannot deliberate, if the sitting do not consist of at least two hundred Members ; and no Decree shall be made, except by the absolute majority of votes.

VIII. No plan of a law which, after having been submitted to discussion, shall have been rejected after the third reading, can again be introduced the same session.

IX. The

IX. The preamble of every Definitive Decree, shall announce, 1st, The dates of those three sittings, at which the plan of the Decree was read; 2d, The Decree by which it shall have been appointed after the third reading to decide definitively.

X. The King shall refuse his sanction to Decrees, whose preamble shall not attest the observance of the above forms; if any of those Decrees be sanctioned, the Ministers can neither put to it the seal, nor promulgate it, and their responsibility in this respect shall continue six years.

XI. Excepting from these regulations, Decrees recognized, and declared urgent by a previous deliberation of the Legislative Body; but they may be modified, or revoked, in the course of the same session.

XII. "The Decree by which the matter shall be declared urgent, shall state the reasons; and mention shall be made of this previous Decree in the preamble of the Definitive Decree."

SECTION III.

OF THE ROYAL SANCTION.

I. The Decrees of the Legislative Body are presented to the King, who may refuse them his consent.

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II. In

II. In case of a refusal of the Royal consent, that refusal is only suspensive.—When the two following Legislatures shall successively present the same Decree in the same terms on which it was originally conceived, the King shall be deemed to have given his sanction.

III. The assent of the King is expressed to each Decree, by the following *formula*, signed by the King—*The King consents, and will cause it to be executed.*

The suspensive refusal of the King is thus expressed—*The King will examine.*

IV. The King is bound to express his consent or refusal to each Decree, within two months after its presentation.

V. No Decree to which the King has refused his consent, can be again presented to him by the same Legislature.

VI. The Decrees sanctioned by the King, and those which have been presented to him by three successive Legislatures, bear the name and title of **Laws.**

VII. Those acts of the Legislative Body shall
never-

nevertheless be executed as laws, without being subject to sanction, which relate to its Constitution, as a deliberating Assembly;

Its interior Police; “and what it may exercise
“in the external circuit which shall be deter-
“mined;”

The verification of the powers of the Members present;

The Injunctions to absent Members;

The Convocation of the Primary Assemblies in delay;

The exercise of the constitutional police on the on the Administrators “and Municipal Officers.”

Questions of eligibility, or the validity of elections;

Acts relative to the responsibility of Ministers; and all Decrees importing that there is ground of accusation, are also exempted from sanction.

VIII. “The Decrees of the Legislative Body, re-
“specting the promulgation, and the collection of
“the public contributions, shall bear the name
“and title of law; they shall be promulgated and
“executed without being subject to sanction, except
“with regard to those regulations which shall esta-
“blish any penalties but fines; these Decrees cannot
“be passed, without observing the formalities pre-
“scribed by Articles V. VI. VII. VIII. and IX.
“of Sect. II. of this Chapter; and the Legisla-
“tive

“ tive Body cannot insert any disposition foreign
“ to the subject of them.”

SECTION IV.

CONNEXION OF THE LEGISLATIVE BODY WITH THE KING.

I. When the Legislative Body is definitively constituted, it shall send a Deputation to inform the King. The King may every year open the Session, and propose the objects, which, during its continuance, he thinks ought to be taken into consideration: this form, however, is not to be considered as necessary to the activity of the Legislative Body.

II. When the Legislative Body wishes to adjourn longer than fifteen days, it is bound to inform the King, by a Deputation, at least eight days previous to the adjournment.

III. Eight days, at least, before the end of each Session, the Legislative Body shall send a Deputation to the King, to announce to him the day on which it proposes to terminate its sittings: the King may come to close the session.

IV. If the King find it of importance to the welfare of the State, that the session be continued, or that the adjournment be put off, or take place
for

for a shorter time, he may send a message to this effect, on which the Legislative Body is bound to deliberate.

V. The King shall convoke the Legislative Body during the interval of its sessions, as often as the interest of the State shall appear to him to require it, as well as in those cases which the Legislative Body shall have foreseen and determined previous to their adjournment.

VI. Whenever the King shall visit the place of meeting of the Legislative Body, he shall be received, and conducted back by a Deputation; he cannot be accompanied into the inner part of the Hall by any, except "the Prince Royal," and his Ministers.

VII. The President can in no case form part of a Deputation.

VIII. The Legislative Body shall cease to be a Deliberating Body, whilst the King shall be present.

IX. The acts of correspondence of the King with the Legislative Body, shall be always countersigned by a Minister.

X. The

X. The Ministers of the King shall have admission into the Legislative National Assembly—they shall have a particular place ; they shall be heard as often as they shall demand a hearing on all subjects which relate to their Administration, and as often as they shall be required to give explanations. “ They shall likewise be heard on subjects which “ do not relate to their Administration, when the “ National Assembly shall grant them leave to “ speak.”

CHAPTER IV.

OF THE EXERCISE OF THE EXECUTIVE POWER.

I. The Supreme Executive Power resides exclusively in the hands of the King :

The King is the Supreme Head of the general administration of the kingdom ; the care of watching over the maintenance of publick order and tranquillity is entrusted to him :

The King is the Supreme Head of the land and sea forces :

To the King is delegated the care of watching over the external security of the kingdom, and of maintaining its rights and possessions.

II. The King names Ambassadors, and the other Agents of Political Negotiations :

He

He bestows the command of armies and fleets, and the ranks of Marshal of France and Admiral :

He names two-thirds of the Rear-admirals, one half of the Lieutenant-generals, Camp-marshals, Captains of ships, and Colonels of the National Gendarmerie :

He names a third of the Colonels and Lieutenant-colonels, and a sixth of the Lieutenants of ships :

The whole in conformity to the laws with respect to promotion :

He appoints in the Civil Administration of the Marine, the Directors, the Comptrollers, the Treasurers of the Arsenals, the Masters of the Works, the Under Masters of Civil Buildings, half of the Masters of Administration, and of the Under Masters of Construction.

He appoints the Commissaries of the Tribunals :

He appoints the Superintendants in Chief of the management of Contributions Indirect, " and the " Administration of National Domains :"

He superintends the Coinage of Money, and appoints the Officers entrusted with this superintendence in the General Commission and the Mints :

The effigy of the King is struck on all the coinage of the kingdom.

III. The King orders Letters Patent, Brevets, and Commissions to be delivered to all the public Officers that ought to receive them.

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IV. The

IV. The King orders a list of pensions and gratifications to be made out for the purpose of being presented to the Legislative Body each session, "and decreed, if there is reason."

SECTION I.

OF THE PROMULGATION OF LAWS.

I. The Executive Power is entrusted with ordering the Seal of State to be put to Laws, and causing them to be promulgated. It is also charged with causing those laws of the Legislative Body which are exempted from the Royal Sanction, to be published and executed.

II. Two copies of each Law shall be made, both signed by the King, countersigned by the Minister of Justice, and sealed with the Seal of State :

The one shall be deposited in the archives of the Seal, and the other shall be sent to the archives of the Legislative Body.

III. The Promulgation of Laws shall be in these terms :

N. (the King's name) by the Grace of God, and the Constitutional Law of the State, King of the French, to all present and to come, greeting. The National Assembly has decreed, and we will and ordain as follows :

Here

[Here a literal copy of the Decree shall be inserted without any variation.]

We command and ordain all Administrative Bodies and Courts of Justice, to cause these presents to be transcribed on their registers, read, published, and posted up in their departments, and respective places of resort, and executed as a law of the realm; in witness of which we have signed these presents, to which we have caused the seal of the State to be put.

IV. If the King is a minor, laws, proclamations, and other acts proceeding from the Royal authority during the Regency, shall be conceived in these terms :

N. (the name of the Regent) Regent of the kingdom, in the name of N. (the king's name) by the grace of God, and the Constitutional Law of the State, King of the French, &c. &c.

V. The Executive Power is bound to send the Laws to the Administrative Bodies and Courts of Justice, to see that they are so sent, and to answer for it to the Legislative Body.

VI. The Executive Power cannot make any law, not even provisional, but merely proclamations, conformable to the laws, to ordain or recal the execution of them.

SECTION II.

OF THE INTERNAL ADMINISTRATION.

I. There is in each department a Superior Administration, and in each district a Subordinate Administration,

II. The Administrators have no character of representation.

They are Agents chosen for a time by the people, to exercise, under their superintendence and the authority of the law, the administrative functions.

III. They can assume no authority in legislative or judicial proceedings, or over military dispositions and operations,

IV. "The Administrators are specially charged
"with distributing the contributions direct, and
"with superintending the money arising from the
"contributions, and the public revenues in their
"territory."

It belongs to the Legislative Power to determine the extent and the rules and the mode of their functions, "both with respect to the objects above
"expressed, and with respect to all the other parts
"of internal administration."

VI. The

V. The King has the right of annulling such Acts of the Administrators of Department, as are contrary to the law, or the orders transmitted to them.

He may, in case of obstinate disobedience, or of their endangering, by their acts, the safety or peace of the public, suspend them from their functions,

VI. The Administrators of Department have also the right of annulling the Acts of Sub-Administrators of District, contrary to the laws or the resolution of Administrators of Department, or to the orders which the latter shall have given or transmitted. They may likewise, in case of obstinate disobedience on the part of the Sub-Administrators, or if the latter endanger, by their acts, the public safety or tranquillity, suspend them from their functions, with the reserve of informing the King, who may remove or confirm the suspension.

VII. The King, if the Administrators of Department shall not use the power which is delegated to them in the Article above, may directly annul the Acts of Sub-Administrators, and suspend them in the same cases.

VIII. Whenever the King shall pronounce or confirm the suspension of Administrators, or Sub-Admi-

Administrators, he shall inform the Legislative Body.

This Body may either remove or confirm the suspension, or even dissolve the culpable Administration; and, if there is ground, remit all the Administrators, or some of them to the Criminal Tribunals, or enforce against them the Decree of Accusation.

SECTION III.

OF EXTERNAL CONNECTIONS.

I. The King alone can interfere in Foreign Political Connections, conduct negotiations, make preparations of war proportioned to those of the neighbouring States, distribute the Land and Sea Forces as he shall judge most suitable, and regulate their direction in case of war.

II. Every Declaration of War shall be made in these terms: *By the King of the French in the Name of the Nation.*

III. It belongs to the King to resolve and sign with all Foreign Powers all Treaties of Peace, Alliance, and Commerce, and other Conventions, which he shall judge necessary for the welfare of the State, with a reserve for the ratification of the Legislative Body.

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CHAPTER V.

OF THE JUDICIAL POWER.

I. The Judicial Power can in no case be exercised either by the Legislative Body or the King.

II. Justice shall be gratuitously rendered by Judges chosen from time to time by the People, and instituted by Letters Patent of the King, who cannot refuse them. They cannot be deposed, except from a forfeiture duly judged, or suspended, except from an accusation admitted.

“ The public accuser shall be nominated by the
“ people.”

III. The Tribunals cannot either interfere in the exercise of the Legislative Power, or suspend the execution of the laws, or undertake the administrative functions, or cite before them the administrators on account of their functions.

IV. The Citizens cannot be withdrawn from the Judges whom the Law assigns to them by any commission, or by any other attributions or evocations than those which are determined by the Laws.

V. “ The right of Citizens to terminate disputes definitively by arbitration, cannot receive
“ any

“any infringement from the Acts of the Legislative Power.”

VI. “The ordinary Tribunals cannot receive any civil action without its being proved to them that the parties have appeared, or that the Plaintiff has cited the adverse party before the Mediators to obtain a conciliation.”

VII. There shall be one or more Judges of Peace in the Cantons and in the Cities. The number shall be determined by the Legislative Power.

VIII. It belongs to the Legislative Power to regulate the number and jurisdiction of tribunals, and the number of Judges, of which each tribunal shall be composed.

IX. In criminal matters, no Citizen can be judged, except on an accusation received by Jurors, or decreed by the Legislative Body in the cases in which it belongs to it to prosecute the accusation:

After the accusation shall be admitted, the fact shall be examined, and declared by the Jurors:

The person accused shall have the privilege of challenging twenty, “without assigning any reason.”

The Jurors who declare the fact shall not be fewer than twelve:

The application of the Law shall be made by the Judges:

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The Process shall be public, “ and the person
“ accused cannot be denied the aid of counsel.”

No man acquitted by a legal Jury can be apprehended or accused on account of the same fact.

X. “ No man can be apprehended, but to be
“ conducted before the Officer of Police, and no
“ man can be arrested or detained, but by virtue
“ of an order of the Officers of Police, a warrant
“ of arrest from a Tribunal, a decree of accusation
“ by the Legislative Body, in cases in which it belongs to it to pronounce, or of a sentence of imprisonment or correctional detention.”

XI. “ Every person arrested, and taken before
“ the Officer of Police, shall be immediately examined, or at farthest within twenty-four hours.

“ If it appear from the examination that there is
“ no ground of accusation against him, he shall immediately be liberated; or if there is ground for
“ sending him to the House of Arrest, he shall be
“ sent to it with the least possible delay, which can
“ in no case exceed three days.”

XII. “ No person arrested, can be detained if he
“ give sufficient bail, in all those instances in which
“ the law allows to remain free under bail.”

XIII. “ No person, in cases where confinement
“ is authorized by law, can be conveyed or detain-

“ ed, except in such places as are legally and publicly appointed Houses of Arrest, of Justice, or Imprisonment.”

XIV. “ No Keeper or Gaoler can receive or detain any person, but by virtue of the Warrants, Orders of Arrest, or Sentences, enumerated in the tenth Article, and except they shall have been transcribed upon his register.”

XV. “ Every Keeper or Gaoler is bound, without a Special Order to the contrary, to produce the prisoner to the Civil Officers entrusted with the care of the Police of the House of Confinement as often as he shall make the demand.

“ The sight of the prisoner cannot be denied to his relations, friends, and neighbours, bearing an order of the Civil Officer, which he shall always be bound to grant, except the Keeper or Gaoler produce an order of the Judge, transcribed upon his register, for keeping his prisoner secret.”

XVI. “ Every person, whatever be his place or employment, except those to whom the law gives the power of arrest, who shall give, sign, execute, or cause to be executed, an order for arresting a Citizen; or whoever, even in cases of arrest authorised by law, shall conduct, receive, or detain a Citizen in a place of confinement not publicly and legally appointed; and every Keep-

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“er or Gaoler, who shall transgress the regulations
“of Articles XIV. and XV. above, shall be guilty
“of the crime of arbitrary imprisonment.”

XVII. “No person can be enquired after, or
“prosecuted, on account of writings which he
“shall have printed or published, if he has not
“inculcated disobedience to the Law, contempt of
“the Constitutional Powers, and resistance to their
“acts, or some of those actions declared crimes or
“offences by law.

“Censure on the acts of the constituted Powers
“is permitted : but voluntary slanders against the
“probity of public officers, and the rectitude
“of their intentions in the exercise of their offices,
“may be prosecuted by those against whom they
“are directed.

“Slanders, or injurious reports against any per-
“son whatsoever, relative to the actions of their
“private life, shall be punished upon their prose-
“cution.”

XVIII. “No person can be tried either by a
“civil or criminal action on account of any writ-
“ings printed or published, except it shall have
“been examined and declared by a Jury, 1st,
“Whether there is any thing criminal in the writ-
“ing complained of? 2dly, Whether the person
“prosecuted has been guilty of it?”

XIX. For the whole kingdom there shall be one Tribunal of Appeal, established near the Legislative Body. Its functions shall be to pronounce

On Appeals from the judgment of the tribunals ;

On Appeals from the judgment of one tribunal to another, on lawful cause of suspicion ;

On the regulations of Judges, and exceptions to a whole tribunal.

XX. The Tribunal of Appeal can never enter into an original examination of a case ; but after annulling a judgment in a Process, in which the forms have been violated, or which shall contain an express contravention of law, it shall refer the merits of the case to the tribunal that ought to take cognizance of them.

XXI. When after two Appeals, the judgment of the third Tribunal shall be questioned in the same way as that of the former two, the case shall not be carried again to the Tribunal of Appeal, without being first submitted to the Legislative Body, which shall pass a Decree declaratory of the law, to which the Tribunal of Appeal shall be bound to conform.

XXII. The Tribunal of Appeal shall be bound to send every year to the Bar of the Legislative Body, a Deputation of eight of its Members, to present a statement of the judgments given, with an abstract of the case annexed to each, and the text
of

of the law, which was the ground of the decision.

XXIII. A High National Court, composed of Members of the Tribunal of Appeal and High Jurors, shall take cognizance of the crimes of Ministers, and the principal Agents of the Executive Power; and of crimes which attack the general safety of the state, when the Legislative Body shall pass a Decree of Accusation :

It shall not assemble but on the Proclamation of the Legislative Body; “ and at the distance of “ 30,000 toises at least, from the place of meeting “ of the Legislative Body.”

XXIV. The orders issued for executing the Judgments of the Tribunals, shall be conceived in these terms :

N. (the name of the King), by the Grace of God, and by the Constitutional Law of the State, King of the French, to all present and and to come, Greeting: the Tribunal of — has passed the following judgment :

[Here shall follow a Copy of the judgment, in which shall be mentioned the names of the Judges.]

We charge and enjoin all officers upon the present demand, to put the same Judgment into execution, our Commissioners of the Tribunals to enforce the same, and all the Commanders and Officers of the Public Force to be assisting with their force, when it shall be legally required: In witness of which the present Judgment has been
sealed

sealed and signed by the President of the Tribunal, and by the Register.

XXV. The functions of the King's Commissioners in the Tribunals, shall be to require the observance of the laws in the judgments to be given, and to cause them to be executed after they are passed :

They shall not be public accusers ; but they shall be heard on all accusations, and shall require, during process, regularity of forms, and before judgment, the application of the law.

XXVI. The King's Commissioners in the Tribunals shall represent to the Director of the Jury, either officially or according to orders given them by the King,

Offences against the individual Liberty of Citizens, against the free circulation of Provisions, " and other articles of commerce," and the collection of Contributions ;

Offences by which the execution of Orders given by the King, in the exercise of the functions delegated to him, shall be disturbed or impeded ;

Offences against the rights of persons, and opposition to the execution of judgments, and all executive acts proceeding from the constituted powers.

XXVII. The Minister of Justice shall represent to the Tribunal of Appeal, by means of the King's Commissioner, " and without prejudice to
" the

“ the rights of the parties interested,” the acts by which the Judges shall have exceeded the limits of their power.

The Tribunal shall annul these acts, and if they give ground for forfeiture, the fact shall be represented to the Legislative Body, which shall pass the Decree of Accusation, and refer the parties informed against to the High National Court.

P A R T IV.

OF THE PUBLIC FORCE.

I. The Public Force is instituted to defend the State against external enemies ; and to maintain internal order and the execution of the laws.

II. It is composed,
Of the Land and Sea force ;
Of the troop specially destined for home service ;
And, subsidiarily, of the Active Citizens and their children of age to bear arms, registered in the roll of National Guards.

III. The National Guards do not form a military body, or an institution in the State ; they are the Citizens themselves called to assist the public force.

IV. The Citizens can never embody themselves,
or

or act as National Guards, but by virtue of a requisition, or a legal authority.

V. They are subject in this quality to an organization, determined by the law:

They shall be distinguished in the whole kingdom by only one form of discipline, and one uniform :

Distinctions of rank and subordination subsist only relatively to the service, and during its continuance.

VI. Officers are chosen for a time, and cannot again be chosen, till after a certain interval of service as privates.

None shall command the National Guard of more than one District.

VII. All the parts of the public force employed for the safety of the State from foreign enemies, are under the command of the King.

VIII. No body or detachment of troops of the Line can act in the internal part of the kingdom without a legal order.

IX. No Agent of the Public Force can enter the house of a Citizen, if it is not in order to execute the instructions of Police and of Justice, or in cases formally provided for by the Law.

X: The

X. The requisition of the Public Force in the internal part of the Kingdom belongs to the Civil Officers, according to the regulations provided by the Legislative Power.

XI. When any Department is in a state of commotion, the King shall issue, subject to the responsibility of Ministers, the necessary orders for the execution of the laws, and the re-establishment of order; but with the reserve of informing the Legislative Body, if it is assembled, and of con- voking it if it be not setting.

XII. The Public Force is essentially obedient; no armed body can deliberate.

XIII. " The Land and Sea Force, and the
" Troops destined for the internal security, are
" subject to particular laws, both with respect to
" the maintenance of Discipline, and the form of
" Trial, as well as the nature of Punishment in
" case of Military offences."

P A R T V.

OF PUBLIC CONTRIBUTIONS.

I. Public Contributions shall be debated and fixed every year by the Legislative Body, and cannot continue in force longer than the last day of

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the following session, if they are not expressly renewed.

II. The Funds necessary to the discharge of the National Debt, and the payment of the Civil List, can under no pretext be refused or suspended.

“ The allowances to the Ministers of the Catholic Religion pensioned, retained, elected or nominated, in virtue of the Decrees of the Constituting National Assembly, forms part of the National Debt.

“ The Legislative Body can in no case charge the Nation with the payment of the debts of an individual.”

III. “ Detailed accounts of the Expence of the Ministerial Departments, signed and certified by the Ministers or Comptrollers General, shall be printed and published at the commencement of the sessions of each Legislature.

“ The same shall be done with the Statements of the Receipt of the different Taxes, and all the Public Revenues.

“ The Statements of the Expenditure and Receipts shall be distinguished according to their nature, and shall express the sums received and expended year by year in each district.

“ The particular Expences for each Department, and those that relate to the Tribunals, the Administrative

“ ministrative Bodies, and other Establishments,
“ shall also be published.”

IV. The Administrators of Department, and Sub-administrators, can neither establish any Public Contribution, or make any distribution beyond the time and the sums fixed by the Legislative Body, nor deliberate, or permit, without being authorized by it, any local loan to be charged to the Citizens of the Department.

V. The Executive Power directs and superintends the collection and paying in of Contributions, and gives the necessary orders to this effect.

P A R T VI.

OF THE CONNECTION OF THE FRENCH NATION WITH FOREIGN NATIONS.

The French nation renounces the undertaking of any war with a view of making conquests, and will never employ its forces against the liberty of any people.

The Constitution no longer admits the Droit D'Aubaine.

Foreigners, whether settled in France or not, inherit the property of their relations, whether Foreigners or Frenchmen. They can contract, acquire, and receive property situated in France, and

dispose of it, as well as any French Citizen, in every mode authorized by the laws.

Foreigners in France are subject to the same criminal laws and regulations of Police as French Citizens, "with a reserve for Conventions made with "foreign Powers." Their persons, effects, industry, and religion, are equally protected by the law.

P A R T VII.

OF THE REVISION OF THE CONSTITUTIONAL DECREES.

I. The Constituting National Assembly declares, that the Nation has the imprescriptible "right of changing its Constitution; and nevertheless, considering, that it is more conformable "to the National Interest to employ only by means "provided in the Constitution itself, the right of "reforming those Articles of it, of which experience shall have shewn the inconveniences, decrees, that the proceeding by an Assembly of "Revision, shall be regulated in the form following:

II. "When three successive Legislatures shall "have expressed an uniform wish for the change "of any Constitutional Article, the Revision demanded shall take place."

II. The

III. " The next Legislature, and the following,
" cannot propose the reform of any Constitutional
" Article."

IV. " Of the three Legislatures, who may af-
" terwards propose any changes, the two first
" shall only occupy themselves on this object,
" the two last months of their last session; and the
" third, at the end of its first annual session, or at
" the commencement of the second.

" Their deliberations on this subject shall be
" conducted with the same forms as their Legisla-
" tive Acts; but the Decrees by which they shall
" express their wish, shall not require the King's
" sanction."

V. " The fourth Legislature, augmented with
" two hundred forty-nine Members, chosen in each
" Department, by doubling the ordinary number
" which it furnishes in proportion to its popula-
" tion, shall form the Assembly of Revision.

" These two hundred forty-nine Members shall
" be chosen after the nomination of the Repre-
" sentatives to the Legislative Body shall be ter-
" minated, and separate minutes shall be made
" of it.

" The Assembly of Revision shall be composed
" only of one chamber."

VI. " The

VI. "The Members of the Third Legislature, which shall have demanded the change, cannot be chosen to the Assembly of Revision."

VII. "The Members of the Assembly of Revision, after having all pronounced in a body, the Oath—'TO LIVE FREE OR DIE'—shall take individually an Oath to confine themselves to determine on the objects which shall have been submitted to them by the uniform wish of three preceding Legislatures; to maintain, besides, with all their power, the Constitution of the Kingdom, decreed by the Constituting National Assembly, during the years 1789, 1790, and 1791, and to be in all respects faithful to the Nation, the Law, and the King."

VIII "The Assembly of Revision shall be bound then, without delay to enter upon the objects which shall have been submitted to their consideration. As soon as their labour shall be finished the two hundred forty-nine Members named in addition shall retire, without being able, in any case, to take part in the Legislative Acts."

The French Colonies and Possessions in Asia, Africa, and America, "though they form part of the French empire," are not included in the present Constitution.

None of the Powers instituted by the Constitution have a right to change it in its form, or in
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its parts; excepting the reforms which may be made by the mode of revision, conformable to the regulation of Part VII.

The Constituting National Assembly commits the deposit to the fidelity of the Legislative Body, of the King, and of the Judges; to the vigilance of Fathers of Families, to Wives, and to Mothers; to the attachment of young Citizens; to the courage of all Frenchmen.

With respect to the Laws made by the National Assembly, which are not included in the Act of Constitution, and those anterior Laws, which it has not altered, they shall be observed, so long as they shall not be revoked or modified by the Legislative Power.

(Signed) , VERNIER, President;
 POUGEARD, COUPPE, MAILLY-
 CHATEAURENAUD, CHAILLON,
 AUBRY (Bishop of the Depart-
 ment of the Meuse), DARCHE,
 Secretaries.

SEPTEMBER 3, 1791.

- “ The National Assembly, having heard the above
 “ Constitutional Act read over, and having ap-
 “ proved of it, declare, that the Constitution is
 “ terminated, and that they can make no change
 “ in it.
 “ A Deputation of sixty Members shall be instantly
 “ nominated, to offer the Constitutional Act to
 “ the King this very day.”

(Signed) VERNIER, President;

POUGEARD, COUPPE, MAILLY-
 CHATEAURENAUD, CHAILLON,
 AUBRY (Bishop of the Depart-
 me nt of the Meuse), DARCHE,
 Secretaries.

Printed 5th September,
 1791.

The Decree of September 3, for presenting the Constitutional Act to the King was instantly executed. The Deputation was introduced to the King at the Thuilleries, in the presence of his Ministers, and M. Thouret presented the Constitutional Act to his Majesty in the following words:

“ SIRE,

“ The National Assembly has charged us to
 “ present to your Majesty, for your acceptance,
 “ the Constitutional Act which consecrates the im-
 “ prescriptible rights of the French people, which
 “ regenerates the Government, and ascertains the
 “ true dignity of the Throne.”

The King read his Answer from a Paper.

“ GENTLEMEN,

“ I shall examine the Constitution, which the
 “ National Assembly has charged you to present
 “ to me. I shall make known to you my Reso-
 “ lution, with the shortest possible delay, which
 “ the examination of an object so important will
 “ permit. I am determined to remain in Paris.
 “ I shall give to the Commandant General of
 “ the National Guard of Paris, the orders which
 “ I shall think necessary for the service of my
 “ Guard.”

On Tuesday Sept. 13th, the Minister of Justice delivered to the National Assembly the following

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LETTER FROM THE KING.

GENTLEMEN,

I HAVE attentively examined the Constitutional Act, which you have presented for my acceptance. I accept it, and I will cause it to be executed. At another time this declaration might have been sufficient ; at present, I owe to the interests of the Nation, I owe to myself, to make known my motives.

I have always, since the commencement of my reign, desired the reform of abuses ; and in all acts of Government, wished to be regulated by the public opinion. Different causes, among the number of which may be placed the situation of the Finances at my accession to the throne, and the immense expences of an honourable war, long supported without increase of Imposts, had established a considerable disproportion between the Revenues and the Expences of the State.

Impressed with the extent of the evil, I not only sought the means of remedying it ; I felt the necessity of preventing its return. I had formed the project of securing the happiness of the people upon a fixed basis, and of subjecting, to invariable rules, even that authority of which I was the Depository. I called on the Nation to execute it.

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In the course of the events of the Revolution, my intentions never varied. When, after having reformed the ancient institutions, you began to substitute in their stead, the first essays of your work, I did not delay the expression of my sentiments till the whole Constitution should be known to me; I favoured the establishment of its parts, even before I could judge of the whole; and if the disorders which have attended almost all the periods of the Revolution, have too frequently afflicted my heart, I hoped that the law would resume force, in the hands of the new authorities, and that, in approaching the term of your labours, every day would restore to it that respect without which, the people can neither enjoy liberty nor happiness. I long persevered in this hope, and my resolution only changed at the moment when it abandoned me. Let every one recollect the moment at which I quitted Paris: the Constitution was almost completed; and, nevertheless, the authority of the Laws seemed to diminish every day; opinion, far from centering in any point, was divided into a number of parts. The most violent counsels alone seemed to be received with any degree of favour; the licentiousness of the Press was at its height; no power was respected.

I could no longer perceive the expression of the general will in the laws which I every where

saw without force and without effect. Then, I am bound to declare, if you had presented to me the Constitution, I should have been of opinion that the interest of the people (the constant and uniform rule of my conduct) did not permit me to accept it. I had only one sentiment; I formed only one project; I wished to get at a distance from all parties, and learn what was the real wish of the Nation.

The motives by which I was then influenced, now no longer subsist: since that time the inconveniences and the evils of which I complained have struck you in the same light as me; you have testified an inclination to re-establish order; you have directed your attention to the want of discipline in the army; you have perceived the necessity of restraining the abuses of the press. The revision of your labour has placed among the number of laws of regulation, several articles which had been presented to me as Constitutional. You have established legal forms, for the revision of those which you have placed in the Constitution. In fine, the sentiments of the people appear to me no longer doubtful: I have seen them at once displayed, both by their adherence to your work, and by their attachment to the support of Monarchical Government.

I ACCEPT

I ACCEPT, THEN, THE CONSTITUTION ; I ENGAGE TO MAINTAIN IT AT HOME, TO DEFEND IT AGAINST ATTACKS FROM ABROAD, AND TO CAUSE IT TO BE EXECUTED BY ALL THE MEANS WHICH IT PUTS IN MY POWER.

I declare that, informed of the adherence of the great Body of the People to the Constitution, I renounce the right of concurring, which I had claimed in this work, and being responsible only to the Nation, no other, whilst I renounce it, can have a right to complain.

I should, however, deviate from truth, if I affirmed that I perceived in the means of execution and administration, all the energy necessary to give motion and preserve unity in all the parts of so vast an empire ; but since opinions are divided upon these subjects, I consent that the decision should be left to the test of experience alone. While I shall have faithfully employed all the means which are entrusted to me, no reproach can be made to me ; and the Nation, whose interest alone ought to be the supreme rule, will explain itself by those means which the Constitution has reserved to it.

But, Gentlemen, for the security of liberty, for the stability of the Constitution, for the individual happiness of all Frenchmen, there are
interests

interests in which an imperious duty prescribes to us to combine all our efforts: these interests are respect for the laws, the re-establishment of order, and the re-union of all the citizens. Now that the Constitution is definitively settled, Frenchmen living under the same laws ought to know no enemies but those who infringe them: Discord and Anarchy—these are our common enemies.

I will oppose them with all my power; it is necessary that you and your successors second me with energy; that law, without attempting to establish its dominion over the mind, may equally protect all those who submit their conduct to its decision; that those, whom the fears of persecution and of trouble have driven from their country, be assured of finding at their return safety and tranquillity; and in order to extinguish the animosities, to soften the evils, which a great Revolution always brings in its train; that law may, from this day, begin to receive a full execution, let us consent to an oblivion of the past. Let those accusations and prosecutions which originate solely from the events of the Revolution, be for ever extinguished in a general reconciliation. I speak not of those who have been solely influenced by their attachment to me: can you regard them as criminal? As to those who by excesses, in which I can perceive personal injuries have brought upon themselves the

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the prosecution of the laws, I shall prove in my conduct to them, that I am the King of all the French.

(Signed)

LOUIS.

P. S. I am of opinion, Gentlemen, that I ought to pronounce my solemn acceptance of the Constitution in the very place in which it was formed—of consequence I shall come in person to-morrow at noon, to the National Assembly.

The Assembly decreed a general amnesty with respect to the events of the Revolution by acclamation, and also that a deputation of Sixty Members should instantly present the Decree to the King.

A Deputation was nominated, and being introduced to the King, M. Chapelier said,

“ SIRE,

“ The National Assembly has heard the message which your Majesty addressed to them; and
 “ frequently interrupted the reading of it by repeated plaudits, alone capable of expressing the
 “ sentiments with which the French people have
 “ so long been animated for their Kings; the Assembly, participating in your Majesty’s desire
 “ to extinguish all animosities, to terminate all
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“dissentions, and wishing to mark this grand
 “period by every circumstance which can add to
 “its solemnity, has eagerly pronounced a Decree
 “which removes all the traces of a Revolution
 “henceforth complete. They charged us to pre-
 “sent to your Majesty the following Decree.”

M. Chapelier then presented the Decree.

The King answered,

“GENTLEMEN,

“I shall always make it my pleasure and my
 “duty, to follow the will of the Nation when it
 “shall be known to me. I am sensible of the
 “eagerness which the Assembly has shown to
 “comply with the desire which I had expressed
 “to do an act of benevolence. This day will be
 “memorable in history: I wish that it may put
 “an end to discord, that it may unite all parties,
 “and that we may only be one.

“I understand that the National Assembly has
 “this morning passed a Decree, restricting to my
 “son and myself the honour of exclusively wearing
 “the blue ribbon.—As this privilege had in my
 “eyes no other value than that of being able to
 “communicate it, I am determined to lay aside
 “the

“ the blue ribbon, and entreat you to inform the
“ Assembly of my resolution.”

The Queen, with the Prince Royal in one hand, and Madam Royal in the other, appeared at the door of the Council where the Deputation was introduced, and the King, turning to them, said, “ Here are the Queen and my family, who participate my sentiments.” The Queen, advancing to the Deputation, said, “ I, and my children, come to declare, that we participate all the sentiments of the King.”

On Wednesday Sept. 14th, the King repaired to the National Assembly, and being conducted to a Chair of State prepared for him on the left hand of the President, said——

“ GENTLEMEN,

“ I COME to consecrate, in this place, solemnly,
“ the acceptance which I have given to the Constitutional Act: in consequence of which I swear
“ to be faithful to the Nation and the Law; and
“ to employ all the power that is delegated to me,
“ to maintain the Constitution decreed by the Constituting National Assembly.——May this great
“ and memorable epoch, be that of the re-establishment of peace, of union; and become the surety

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“ of

“ of the happiness of the people, and the prosperity
“ of the Empire !”

The Minister of Justice presented the Constitutional Act to the King, and he signed it.—
The Ministers countersigned it.

The President then addressed his Majesty, in the following terms :—

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“ ABUSES of long standing, which had triumphed over the good intentions of the best of Kings, and had unceasingly braved the authority of the Throne, oppressed France.—Depository of the wishes, of the rights, and of the power of the people, the National Assembly has established, by the destruction of all abuses, the solid basis of public prosperity. Sire, what this Assembly has decreed, the National concurrence has ratified. The most complete execution of its Decrees in all parts of the Empire, attests the general sentiment. It deranges the weak plans of those whom discontent has too long kept blind to their own interests. It promises to your Majesty, that your wishes for the welfare of the French will no longer be vain.

“ The National Assembly has nothing more to desire on this ever-memorable day, in which you complete, in its bosom, by the most solemn engagement, the acceptance of CONSTITUTIONAL ROY-

ALTY,

ALTY. It is the attachment of the French—it is their confidence, which confers upon you that pure and respectable title to the most desirable Crown in the universe—and what secures it to you, Sire, is the unperishable authority of a Constitution freely decreed. It is the invincible force of a people who feel themselves worthy of liberty—it is the necessity which so great a nation will always have for an hereditary monarchy.

“ When Your Majesty, waiting from experience the lights which are about to be spread by the practical result of the constitution, promises to maintain it at home, and to defend it from attack from abroad, the Nation, trusting both to the justice of its rights, to the consciousness of its force and courage, and to the loyalty of your co-operation, can entertain no apprehension of alarms from without, and is about to contribute, by its tranquil confidence, to the speedy success of its internal government.

“ What ought to be great in your eyes, Sire, dear to our hearts, and what will appear with lustre in our history, is, the epoch of this regeneration; which gives to France, citizens—to the French, a country—to you, as King, a new title of grandeur and of glory—and to you again, as a man, a new
source

source of enjoyment, and new sensations of happiness."

During the ceremony the Queen and the Prince Royal were present in a place provided for them.

The King then withdrew, and was attended back to the Thuilleries by the whole Assembly with the President at their head.

On Sunday September, 18th. the completion of the Constitution, and the Kings Acceptance were proclaimed at Paris.